

Regulatory Language

Section 1.62, Title 14, CCR, is amended as follows:

1.62. Minimum and Maximum Size.

No fish, mollusks or crustaceans less than the legal minimum size or greater than the maximum legal size (total, fork or alternate) may be possessed, except as otherwise provided. Total length is the longest straight-line measurement from the tip of the head to the end of the longest lobe of the tail. Fork length is the straight-line distance from the tip of the head to the center of the tail fin. Tip of the head shall be the most anterior point on the fish with the mouth closed and the fish lying flat on its side. Alternate length is the straight-line distance from the base of the foremost spine of the first dorsal fin to the end of the longest lobe of the tail. Unless otherwise provided, all fish, mollusks or crustaceans less than the legal minimum size or greater than the maximum legal size must be returned immediately to the water from which they were taken.

NOTE:

Authority cited: Sections 200, 202, 205, 219 and 220, Fish and Game Code. Reference: Sections 18, 200, 202, 205 and 220, Fish and Game Code.

Section 5.80, Title 14, CCR, is amended as follows:

5.80. White Sturgeon.

- (a) Open season: All year, except for closures listed under special regulations.
- (b) Daily and annual bag limit: One fish per day. Three fish per year statewide.
- (c) Size limit: No fish less than 46 inches total length or greater than ~~72~~ 66 inches total length may be taken or possessed.
- (d) Methods of take: The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm to assist in landing or killing any sturgeon.

(e) Report card: Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department.

(1) Report card requirements.

(A) Notwithstanding other statutes and regulations that exempt sport fishing license requirements, a Sturgeon Fishing Report Card is required for any person fishing for sturgeon. This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.

(B) A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.

(C) Notwithstanding other statutes and regulations, no person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.

(D) The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.

(E) Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.

(2) Completion procedures.

(A) Upon purchase of the Sturgeon Fishing Report Card, if the angler is required to hold a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.

(B) Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded immediately on the report card.

(C) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.

(f) Tagging Requirements: A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.

(1) After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.

(2) The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

(g) Special North Coast District Sturgeon Closure (Humboldt, Del Norte, Trinity and Siskiyou cos.). It is unlawful to take any sturgeon in the North Coast District at any time.

(h) For regulations on take and possession of sturgeon in ocean waters as defined in Section 27.00, see Sections 27.90, 27.91, and 27.95.

NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 5.81, Title 14, CCR, is added as follows:

5.81. Green Sturgeon.

(a) Green sturgeon may not be taken or possessed.

(b) Green sturgeon taken and released incidentally to white sturgeon fishing shall be reported on a Sturgeon Fishing Report Card issued by the department, in accordance with procedures defined in Subsection 5.80(e), Title 14, CCR. The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.

NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 27.60, Title 14, CCR, is amended as follows:

27.60. Limit.

(a) General. No more than 20 finfish in combination of all species with not more than 10 of any one species, may be taken or possessed by any one person except as otherwise provided or as defined in subsection (e) below or in Section 195. (See Sections 27.70 through 28.62 for minimum size limits and poundage restrictions for certain species.)

(b) Within the overall bag limit of 20 fish with not more than 10 of any one species, the following special limits apply:

(1) Federal groundfish (as defined in Section 1.91) and species associated with federal groundfish (limited to greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish):

(A) Rockfish, Cabezon, and Greenling complex (RCG complex), as defined in subsection 1.91(b) -10 fish in total (also see Sections 27.82, 28.28, 28.29 and 28.55). Within the 10-fish RCG complex limit, the following sub-limits also apply: cabezon - one fish, greenlings of the genus *Hexagrammos* - one fish, bocaccio - one fish, except in the Northern Rockfish and Lingcod Management Area (as defined in subsection 27.82(a)) where the sub-limit is two fish, canary rockfish - zero fish, cowcod - zero fish, and yelloweye rockfish - zero fish.

(B) For species of federal groundfish that are not part of the Rockfish, Cabezon, and Greenling complex (RCG complex, see subsection (a)(1)(A) above), the following special limits apply: California scorpionfish - five fish (see Sections 27.82 and 28.54), leopard shark - three fish (see Section 28.56), lingcod - two fish (see Sections 27.82 and 28.27), and soupfin shark - one fish. See subsection (d) below for federal groundfish species with no limits.

(C) For species associated with federal groundfish that are not part of the Rockfish, Cabezon, and Greenling complex (RCG complex, see subsection (a)(1)(A) above), the following special limits apply: California sheephead - five fish (see Section 28.26).

(D) Bag and possession limits for all species of federal groundfish (as defined in Section 1.91, including rockfish, cabezon, lingcod, and California scorpionfish), greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish may be changed during the year or in-season by the department under the authority of subsection 27.82(e). The department will provide a news release notifying the public 10 days in advance of a change to daily bag limits for these species made under the authority of subsection 27.82(e). Anglers and divers are advised to check the current rules before fishing. The latest fishing rules may be found on the department's website at: www.dfg.ca.gov/mrd/, or by calling (831) 649-2801 for recorded information, or by contacting a department office.

(2) For species other than federal groundfish (as defined in Section 1.91) and species associated with federal groundfish (limited to greenlings of the genus *Hexagrammos*, California sheephead, and ocean whitefish), within the overall bag limit of 20 fish, the following special limits apply:

<i>Zero fish (Prohibited)</i>	<i>One fish</i>	<i>Two fish</i>	<i>Three Fish</i>	<i>Five Fish</i>
giant (black) sea	<u>white</u>	salmon	trout taken	In San Francisco and

bass (except as provided in Section 28.10)	sturgeon (see Section 27.90)	(except as provided in Section 27.80)	from ocean and bays (see Section 27.70)	San Pablo bays only, the surfperch daily bag limit is five fish in the aggregate. See Section 28.59 and subsection 27.60(c) for other surfperch bag limits.
Garibaldi (see Section 28.05)	Pacific halibut (see Section 28.20)	striped bass (see Section 27.85)	white seabass (except as provided in Section 28.35)	California halibut (except as provided in Section 28.15)
gulf grouper (see Section 28.12)	marlin (see Section 28.50)	broadbill swordfish (see Section 28.40)		
Broomtail grouper (see Section 28.12)	sevengill shark	Blue shark		
white shark (see Section 28.06)	sixgill shark	thresher shark		
<u>green sturgeon (see Section 27.92)</u>		shortfin mako shark		

(c) Special daily bag limits for shiner surfperch.

(1) The special limit for shiner surfperch is 20, which may be taken or possessed in addition to the overall daily bag limit of 20 finfish defined in subsection 27.60(a) and the special limits defined in subsection 27.60(b).

(d) There is no limit on the following species: Albacore, anchovy, bluefin tuna, grunion, jacksmelt, topsmelt, Pacific butterfish (pompano), queenfish, sanddabs, skipjack, jack mackerel, Pacific mackerel, Pacific staghorn sculpin, round herring, Pacific herring and Pacific sardine. There is no limit on the following species of federal groundfish: petrale sole, Pacific sanddab, and starry flounder.

(e) Boat limit. When two or more persons that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, defined in Section 27.00, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until boat limits of those finfish identified under subsections (a) through (c) above are taken and possessed aboard the vessel as authorized under this section or Section 195, Title 14, CCR.

(1) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(2) A boat limit for a species or species group identified in subsections (a) through (c) above is the number of persons aboard a vessel that are licensed or otherwise authorized to sport fish in ocean waters off California, or in waters of the San Francisco Bay District, (see special conditions of Section 195, Title 14, CCR, applicable to operator and crew members of vessels licensed pursuant to Fish and Game Code 7920.) multiplied by the individual daily bag limit authorized for a species or species group in those waters. With the exception of species listed in subsection (d) above, the total fish aboard a boat may not exceed the aggregate per-person daily bag limit of 20-finish in combination of all species times the number of anglers licensed or otherwise authorized to sport fish aboard the vessel. It is unlawful to exceed the boat limit at any time.

(3) All persons aboard a vessel may be cited where violations involving boat limits are found, including, but not limited to the following violations:

(A) Over limits

(B) Possession of prohibited species

(C) Violation of size limits

(D) Fish taken out of season or in closed areas.

(4) Upon completion of a fishing trip aboard a vessel, each licensed angler or person otherwise authorized to sport fish may not possess more than the individual daily bag and possession limits defined in Section 1.17, Title 14, CCR and in subsections (a) through (c) above. For purposes of this section, a trip is completed at the time a person disembarks from a vessel and individual possession limits apply. Special boat limit provisions apply to persons fishing aboard commercial passenger fishing vessels reporting pursuant to Section 195, Title 14, CCR.

(5) Species or species groups for which no daily bag limit exists under subsection (d) above are not counted as part of a boat limit.

(6) Boat limits are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of sturgeon.

NOTE:

Authority cited: Sections 200, 202, 7071 and 8587.1, Fish and Game Code. Reference: Sections 205, 210, 7071 and 7120, Fish and Game Code.

Section 27.90, Title 14, CCR, is amended as follows:

27.90. White Sturgeon.

(a) Open season: All year.

(b) Daily and annual bag limit: One fish per day. Three fish per year statewide.

(c) Size limit: No fish less than 46 inches total length or greater than ~~72~~ ~~60~~ 66 inches total length may be taken or possessed.

(d) Methods of take: The sturgeon must voluntarily take the bait or lure in its mouth. No sturgeon may be taken by trolling, snagging or by the use of firearms. Sturgeon may not be gaffed, nor shall any person use any type of firearm to assist in landing or killing any sturgeon.

(e) Report card: Any person fishing for sturgeon shall have in their possession a nontransferable Sturgeon Fishing Report Card issued by the department.

(1) Report card requirements.

(A) Notwithstanding other statutes and regulations that exempt sport fishing license requirements, a Sturgeon Fishing Report Card is required for any person fishing for sturgeon. This includes anglers who are under 16 years of age, anglers who are fishing from a public pier, and anglers who hold a lifetime fishing license. Anglers who are under 16 years of age may purchase a sturgeon fishing report card without purchasing a sport fishing license.

(B) A Sturgeon Fishing Report Card shall be valid for the calendar year as shown on the report card.

(C) Notwithstanding other statutes and regulations, no person may purchase more than one Sturgeon Fishing Report Card per year or possess any Sturgeon Fishing Report Card other than their own.

(D) The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.

(E) Anglers must return their card by January 31 of the following year shown on the report card to the address specified on the Sturgeon Fishing Report Card.

(2) Completion procedures.

(A) Upon purchase of the Sturgeon Fishing Report Card, if the angler is required to hold a sport fishing license, the report card number shall be entered in ink on the angler's sport fishing license, and the sport fishing license number shall be entered in ink on the report card on the appropriate line.

(B) Whenever the cardholder catches a sturgeon, whether the fish is retained or released, the cardholder shall use a ball point pen to immediately record on the Sturgeon Fishing Report Card all of the following information: month and day, catch location, and species of sturgeon. If a white sturgeon is retained, the total length of the fish must also be recorded immediately on the report card.

(C) If all lines in the "sturgeon released" field of the report card are filled, any additional sturgeon caught and released need not be recorded on the card.

(f) Tagging Requirements: A Sturgeon Fishing Report Card includes three tags that are to be used to tag any white sturgeon that is retained.

(1) After retaining a white sturgeon the date the fish is taken shall be immediately recorded on the tag with a ball point pen.

(2) The angler shall immediately attach the tag to the body of the white sturgeon, and leave the tag in place until the fish is processed, steaked, or filleted for consumption and stored at a residence or non-transient location.

(g) For regulations on take and possession of sturgeon in inland waters as defined in Section 1.53, see Section 5.80 and Section 5.81.

(h) Boat limits, as defined in Subsection 27.60(e) and Section 195, are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of white sturgeon.

NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 27.91, Title 14, CCR, is added as follows:

27.91. Green Sturgeon.

(a) Green sturgeon may not be taken or possessed.

(b) Green sturgeon taken and released incidentally to white sturgeon fishing shall be reported on a Sturgeon Fishing Report Card issued by the department, in accordance with procedures defined in Subsection 27.90(e), Title 14, CCR. The form number and fee for a Sturgeon Fishing Report Card are specified in Section 701.

NOTE:

Authority cited: Sections 200, 202, 205, and 220, Fish and Game Code. Reference: Sections 200, 205 and 206, Fish and Game Code.

Section 27.95, Title 14, CCR, is amended as follows:

27.95. Sturgeon Closure.

Green sturgeon and white sturgeon may not be taken in the following described area between January 1 and March 15: That portion of San Francisco Bay included within the following boundaries: A direct line between Pt. Chauncy (National Marine Fisheries Laboratory) and Pt. Richmond, the San Francisco-Oakland Bay Bridge and a direct line between Pt. Lobos and Pt. Bonita.

NOTE:

Authority cited: Sections 200, 202, 205, 210, 219, and 220, Fish and Game Code.

Reference: Sections 200-202, 203.1, 205-210 and 215-222, Fish and Game Code.

Section 195, Title 14, CCR, is amended as follows:

195. Report of Fish Taken To Be Made by Owner of Barge or Vessel for Hire, and Boat Limits.

(a) Records required by Sections 7923 and 8026 of the Fish and Game Code shall be made on a form provided by the department (Skipper's Log Book-Marine Sportfishing - Southern California F&G 656 and Skipper's Log Book-Marine Sportfishing Central and Northern California F&G 623, DFG 195, which is incorporated by reference, and hereafter referred to as logbook for purposes of this section). The logbook shall include the following information and be completed and available for inspection as specified in this section:

(1) A full and correct record of fish taken, including species or specified species group filled-out before the trip is completed, (see Section 190(b) of Title 14, CCR). The names used for designating the species of fish shall be those in common usage unless otherwise designated by the department.

(2) The owner/operator copy of the logbook shall be maintained and kept on the vessel for a period of one year, and upon request, shall be made available for inspection by any authorized representative of the Department.

(3) The numbered logbook shall be completed sequentially. A voided log shall have the word "Void" plainly and noticeably written on the face of the log.

(b) The owner(s) and/or operator(s) of each vessel required to obtain a license under Section 7920 of the Fish and Game Code shall post a notice in a prominent place on the vessel giving information to fishermen on license requirements, bag limits, and other pertinent information. This notice shall be furnished by the department.

(c) Both the vessel owner(s) and/or operator(s) shall be responsible for keeping accurate records and insuring the vessel is in compliance with subsections (a) and (b) above.

(d) All fishing activity records are confidential pursuant to Fish and Game Code Sections 7923 and 8022 and Government Code Sections 6276 and 6276.10.

(e) Boat Limits: When two or more persons licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, as defined in Section 27.00, are angling for finfish in these waters aboard a vessel licensed under Section 7920, fishing by these persons (to include vessel operator(s) and crew members where licensed to sportfish under their own individual limits) may continue until the passenger's boat limits of those finfish identified in Sections 27.60 (a) through (c) are taken and possessed aboard the vessel as authorized under this section.

(1) For purposes of this section, the vessel operator(s) and crew members are not passengers and may not take fish towards obtaining boat limits for passengers except for casting, setting trolling gear, gaffing or netting fish, but may take fish during a fishing trip for their personal use only. Vessel operator(s) and crew members may assist passengers in other activities including, but not limited to, obtaining bait, chumming, baiting and untangling hooks and lines, identifying, dispatching, filleting, counting, bagging and otherwise handling fish taken by passengers. Upon completion of a fishing trip, the vessel operator(s) and crew members may only possess fish that are part of the own personal bag limit not to exceed authorized sportfishing daily bag and possession limits.

(2) Fish taken by operator(s) and crew members for personal use pursuant to (e)(1) above must be separated from fish taken under a boat limit and labeled in a manner that they can be identified as an individual operator's or crew members fish. Operator(s) and crew members are also prohibited from giving all or part of their individual limit to any passenger during or after a trip.

(3) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(4) A boat limit for a species or species group is equal to the number of passengers aboard the vessel that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District multiplied by the individual daily bag limit authorized for a species or species group as specified in Section 27.60 (a) through (c), Title 14, CCR. For purposes of this section, the number of passengers shall not include the vessel operator(s) and crew members. It is unlawful to exceed the boat limit at any time.

(5) Prior to the departure on a fishing trip of a vessel that is operating under authority of a license issued pursuant to Fish and Game Code Section 7920, the number of fishers, to include passengers, guests, operators and crew who will be fishing, shall be recorded under "number of fishers" on the logbook for that trip. In addition, the number of vessel operator(s) and crew members who will fish for that trip shall be recorded in the space to the right of the operator's signature on the logbook.

(6) Upon completion of a sport fishing trip aboard a vessel reporting under this section, each licensed or otherwise authorized angler may not possess more than the daily bag and possession limits specified in subsections 27.60 (a) through (c) consistent with subsection (e)(1). For the purposes of this section, a fishing trip is completed at the time a person disembarks from the vessel and individual possession limits apply.

(7) Species or species groups for which no daily bag limit exists under Section 27.60 (d), Title 14, CCR, are not included in the boat limit.

(f) Where boat limits are provided for in this section, the vessel operator(s) and crew members may be cited for violations occurring aboard the vessel, including but not limited to violations of the following:

(A) Overlimits

(B) Possession of prohibited species

(C) Minimum size limits

(D) Fish taken out of season or in closed areas

(g) Boat limits are not authorized for sturgeon fishing and shall not apply to the take, possession or retention of sturgeon.

NOTE:

Authority cited: Sections 7071, 7923 and 8587.1, Fish and Game Code. Reference: Sections 7923 and 8587.1, Fish and Game Code.

Section 701, Title 14, CCR, amended as follows:

701. Sport Fishing Forms and Fees

- (a) Declaration for Multi-Day Fishing Trip (FG 935 (rev. 06/05) incorporated by reference herein) \$ 4.504.75
- (b) Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (Annual) (FG 672 (rev. 07/05), incorporated by reference herein) \$ 32.0034.00
- (c) Permit Authorizing Transit of a Recreational Fishing Vessel Through Areas Closed to Fishing (30 Days or less) (FG 672 (rev. 07/05), incorporated by reference herein) \$ 8.008.50
- (d) ~~2006~~2007 Salmon Punch Card (FG 684 (rev 7/06), incorporated by reference herein) \$ 1.50
- (e) 2007 Steelhead Fishing Report and Restoration Card (FG 682 (rev. 7/06), incorporated by reference herein) \$ 5.50
- (f) 2007 Sturgeon Fishing Report Card (FG 683 (7/06), incorporated by reference herein) \$ [0-7.50]
- (g) Pursuant to the provisions of Section 699, Title 14, the department shall annually adjust the fees of all licenses, stamps, permits, tags, or other entitlement required by regulations set forth in this section.

NOTE:

Authority cited: Sections 200, 202, 205, 220, 713, 1050 and 7380 Fish and Game Code. Reference: Sections 200, 202, 205, 206, 220, 713, 1050, 1055 and 7380, Fish and Game Code.